

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN SENATE SEPTEMBER 2, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1019**

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**Introduced by Assembly Member ~~John A. Pérez~~ *Buchanan***

February 18, 2011

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*An act to amend Sections 4101, 4101.3, 4102, 4104, 4105, 4106, and 4108 of the Food and Agricultural Code, and to amend Section 12805 of the Government Code, relating to ~~solid waste, and declaring the urgency thereof, to take effect immediately~~ state government.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1019, as amended, ~~John A. Pérez~~ *Buchanan*. ~~Solid waste: carpet stewardship.~~ *State government.*

*(1) Existing law establishes within state government the State and Consumer Services Agency comprised of various state agencies, including, but not limited to, the Sixth District Agricultural Center which is also known as the California Science Center. The California Science Center includes the California African American Museum, has jurisdiction over certain facilities at Exposition Park in Los Angeles, and is required to establish the position of the Exposition Park Manager for the purpose of administering all park-related events.*

*The Governor's Reorganization Plan No. 2 of 2012 (GRP 2) proposes to reorganize state departments and agencies to, among other things, eliminate the State and Consumer Services Agency and transfer jurisdiction over the California Science Center, including the California African American Museum, the Exposition Park, and the Exposition*

*Park Manager, to the Natural Resources Agency. GRP 2 also proposes to revise the organizational relationships between the California Science Center, the California African American Museum, the Exposition Park, and the Exposition Park Manager.*

*This bill would enact the provisions of law proposed by GRP 2 to transfer jurisdiction over the California Science Center, including the California African American Museum, the Exposition Park, and the Exposition Park Manager, to the Natural Resources Agency, except that this bill would not make the changes proposed by GRP 2 to revise the organizational relationships between those transferred entities.*

*(2) Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. Existing law establishes various departments and state entities in the Natural Resources Agency and GRP 2 proposes to revise the departments and entities that the agency consists of to, among other things, include the Delta Stewardship Council.*

*This bill would enact the provision of law proposed by GRP 2 revising the various departments and state entities that the Natural Resources Agency consists of, except that the bill would exclude the council from that agency.*

*(3) GRP 2 is proposed to become operative on July 1, 2013, if not disapproved by the Legislature in accordance with specified procedures.*

*This bill would become operative on July 1, 2013, and only if GRP 2 becomes effective.*

~~Existing law establishes a carpet stewardship program, administered by the Department of Resources Recycling and Recovery, that requires a carpet manufacturer or a carpet stewardship organization to adopt a plan for the purpose of increasing the amount of postconsumer carpet that is diverted from landfills and recycled into secondary products or managed in a manner that is consistent with the state's hierarchy for waste management practice. Under the plan, an assessment is to be imposed on the carpet sold in the state for the purposes of funding the implementation of the plan.~~

~~Proposition 26, approved by the voters by initiative on November 2, 2010, amends Article XIII A of the California Constitution to provide that certain levies, charges, or exactions imposed by the state and adopted after January 1, 2010, but before November 3, 2010, is void 12 months after the November 3, 2010, effective date of Proposition 26 unless it is reenacted in compliance with the requirements of Article XIII A of the California Constitution.~~

~~This bill would reenact the state law that enacted the carpet stewardship program and would provide that law continues to be operative on and after November 3, 2011.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *Section 4101 of the Food and Agricultural Code*  
2     *is amended to read:*

3     4101. The Sixth District Agricultural Association ~~shall~~ *may*  
4     *also* be known as the California Science Center. It is in the ~~State~~  
5     ~~and Consumer Services Natural Resources~~ Agency and is deemed  
6     to be a tax-exempt organization as an instrumentality of this state  
7     in accordance with Section 23706 of the Revenue and Taxation  
8     Code.

9     SEC. 2. *Section 4101.3 of the Food and Agricultural Code is*  
10    *amended to read:*

11    4101.3. (a) Notwithstanding any other provision of law, the  
12    California Science Center is hereby authorized to enter into a site  
13    lease with the California Science Center Foundation, a California  
14    Nonprofit Corporation, with the approval of the ~~State and~~  
15    ~~Consumer Services Natural Resources~~ Agency, the Department  
16    of Finance, and the Department of General Services, for the  
17    purpose of the foundation developing, constructing, equipping,  
18    furnishing, and funding the project known as Phase II of the  
19    California Science Center. The overall construction cost and scope  
20    shall be consistent with the amount authorized in 2002 Budget  
21    Act, provided that nothing in this section shall prevent the  
22    foundation from expending additional nonstate funds to complete  
23    Phase II provided that the additional expenditures do not result in  
24    additional state operation and maintenance costs. Any additional  
25    expenditure of nonstate funds by the foundation shall not increase  
26    the state's contribution.

27    (b) For the purpose of carrying out subdivision (a), all of the  
28    following shall apply:

29    (1) In connection with the development described in subdivision  
30    (a), above, the foundation may, in its determination, select the

1 most qualified construction manager/general contractor to oversee  
2 and manage the work and prepare the competitive bid packages  
3 for all major subcontractors to be engaged in the construction of  
4 Phase II Project. Any construction manager/general contractor  
5 selected shall be required to have a California general contractor's  
6 license.

7 (2) Prior to commencement of construction of the Phase II  
8 Project, the California Science Center shall enter into a  
9 lease-purchase agreement upon approval by the Department of  
10 Finance with the foundation on terms that are compatible with the  
11 Phase I Project financing. The term of the lease-purchase agreement  
12 shall be a term not to exceed 25 years. Lease payments on behalf  
13 of the state shall be commensurate with the twenty-two million  
14 nine hundred forty-five thousand two hundred sixty-three dollars  
15 (\$22,945,263), (nineteen million one hundred thirty-seven thousand  
16 dollars (\$19,137,000) plus 19.9 percent augmentation authority)  
17 construction cost allocation of the state. Lease payments may also  
18 include any cost of financing that the foundation may incur related  
19 to tax exempt financing. The California Science Center shall be  
20 authorized to direct the ~~State Controller's Office~~ *Controller* to  
21 send the rental payments under the lease-purchase agreement  
22 directly to the foundation's bond trustee.

23 (3) The foundation shall ensure that the Phase II Project is  
24 inspected during construction by the state in the manner consistent  
25 with state infrastructure projects. The foundation shall also  
26 indemnify and defend and save harmless the Department of General  
27 Services for any and all claims and losses accruing and resulting  
28 from or arising out of the foundation's use of the state's plans and  
29 specifications. The foundation and the California Science Center,  
30 upon consultation with the Director of the ~~Department of General~~  
31 Services and the Department of Finance shall agree on a reasonable  
32 level of state oversight throughout the construction of the Phase  
33 II Project in order to assist the foundation in the completion of the  
34 project within the intended scope and cost.

35 (4) At the end of the term of the site lease and the lease-purchase  
36 agreement unencumbered title to the land and improvements shall  
37 return to the ~~State of California~~ *state* with jurisdiction held by the  
38 California Science Center.

39 *SEC. 3. Section 4102 of the Food and Agricultural Code is*  
40 *amended to read:*

1 4102. The California Science Center, with the approval of the  
2 ~~State and Consumer Services~~ *Natural Resources* Agency, may  
3 build, construct, and maintain and operate a stadium or any arena,  
4 pavilion, or other building that is to be used for the holding of  
5 sports events, athletic contests, contests of skill, exhibitions,  
6 spectacles, and other public meetings. It may lease, let, or grant  
7 licenses for the use of that stadium, arena, pavilion, or other  
8 building, with the approval of the agency.

9 *SEC. 4. Section 4104 of the Food and Agricultural Code is*  
10 *amended to read:*

11 4104. (a) The Legislature hereby finds and declares that there  
12 is a need for a state repository dedicated to the diverse contributions  
13 of ~~African-Americans~~ *African Americans* to the history and culture  
14 of this state and the nation.

15 (b) The California ~~African-American~~ *African American* Museum  
16 is a part of, and coexists with, the California Science Center.

17 (c) The California ~~African-American~~ *African American* Museum  
18 is governed by a seven-member board of directors. The Governor  
19 shall appoint the seven members, at least four of whom shall reside  
20 within the boundaries of the 6th Agricultural District. In addition,  
21 the Senator representing the Senate district in which the California  
22 ~~African-American~~ *African American* Museum is located and the  
23 Assembly Member representing the Assembly district in which  
24 the museum is located shall be ex officio nonvoting members of  
25 the board. The two legislative ex officio nonvoting members of  
26 the board shall participate in the activities of the board to the extent  
27 that their participation is not incompatible with their respective  
28 positions as Members of the Legislature. The appointees of the  
29 Governor shall be appointed to four-year terms with the initial  
30 terms of appointment expiring as follows: one term expiring  
31 January 1, 1984, one term expiring January 1, 1985, one term  
32 expiring January 1, 1986, and one term expiring January 1, 1987.  
33 The person appointed to the Advisory Board of the California  
34 Museum of ~~African-American~~ *African American* History and  
35 Culture by the Board of Directors of the California Science Center  
36 prior to the amendments made to this section by Chapter 1439 of  
37 the Statutes of 1987 shall serve on the Board of Directors of the  
38 California ~~African-American~~ *African American* Museum until the  
39 Governor makes the fifth appointment authorized pursuant to those  
40 amendments. The fifth appointment made to the board shall serve

1 a term expiring on January 1, 1990, the sixth appointment shall  
2 serve a term expiring on January 1, 1991, and the seventh  
3 appointment shall serve a term expiring on January 1, 1992.

4 (d) The Board of Directors of the California ~~African-American~~  
5 *African American* Museum shall have the sole authority, subject  
6 to existing state laws, regulations, and procedures, to determine  
7 how funds that have been appropriated and duly allocated by the  
8 Legislature and the Governor for support of the museum shall be  
9 expended. The board also shall have the sole authority, subject to  
10 existing state laws, regulations, and procedures, to contract with  
11 any state agency, institution, independent contractor, or private  
12 nonprofit organization that the board determines to be appropriate  
13 and qualified to assist in the operation of the museum. The board  
14 shall further have authority to establish the operations, programs,  
15 activities, and exhibitions of the California ~~African-American~~  
16 *African American* Museum. The Board of Directors of the  
17 California ~~African-American~~ *African American* Museum shall be  
18 solely responsible for the actions taken and the expenditures made  
19 by the staff of the California ~~African-American~~ *African American*  
20 Museum in the scope and course of their employment.

21 (e) The Board of Directors of the California ~~African-American~~  
22 *African American* Museum shall appoint an executive director,  
23 who shall be exempt from civil service, and any necessary staff to  
24 carry out the provisions of this section, who shall be subject to the  
25 State Civil Service Act (Part 2 (commencing with Section 18500)  
26 of Division 5 of Title 2 of the Government Code). The California  
27 ~~African-American~~ *African American* Museum shall submit its  
28 annual budget request directly to the ~~State and Consumer Services~~  
29 *Natural Resources* Agency. The California ~~African-American~~  
30 *African American* Museum may accept grants, contributions, and  
31 appropriations from federal, state, local, and private sources for  
32 its operation.

33 (f) The California ~~African-American~~ *African American* Museum  
34 shall preserve, collect, and display samples of ~~African-American~~  
35 *African American* contributions to the arts, sciences, religion,  
36 education, literature, entertainment, politics, sports, and history of  
37 the state and the nation. The enrichment and historical perspective  
38 of that collection shall be made available for public use and  
39 enjoyment.

1 (g) The California ~~African-American~~ African American Museum  
2 shall use stationery and other supplies of the former museum and  
3 shall phase in the name change with existing resources.

4 *SEC. 5. Section 4105 of the Food and Agricultural Code is*  
5 *amended to read:*

6 4105. Notwithstanding any other provision of law, from  
7 December 14 to December 21, inclusive, of any year, the California  
8 Science Center ~~may~~ shall not charge parking fees for the parking  
9 facilities surrounding the Los Angeles Memorial Coliseum when  
10 an event is being held at the facilities of the museum by a private  
11 nonprofit charitable organization for the purpose of collection and  
12 distribution of toys and food.

13 *SEC. 6. Section 4106 of the Food and Agricultural Code is*  
14 *amended to read:*

15 4106. (a) The California Science Center shall work with the  
16 Los Angeles Memorial Coliseum Commission, the City of Los  
17 Angeles, and the County of Los Angeles to develop additional  
18 parking facilities in Exposition Park to the extent necessary to  
19 allow for expansion of the park.

20 (b) The California Science Center shall manage or operate its  
21 parking facilities in a manner that preserves and protects the  
22 interests of itself and the California African-American Museum  
23 and recognizes the cultural and educational character of Exposition  
24 Park.

25 (c) The Exposition Park Improvement Fund is hereby created  
26 in the State Treasury. All revenues received by the California  
27 Science Center from its parking facilities, from rental of museum  
28 facilities, or from other business activities shall be deposited in  
29 the Exposition Park Improvement Fund.

30 (d) The moneys in the Exposition Park Improvement Fund may  
31 only be used, upon appropriation by the Legislature, for  
32 improvements to Exposition Park, including, but not limited to,  
33 maintenance of existing parking and museum facilities, replacement  
34 of museum equipment, supplies and wages expended to generate  
35 revenues from rental of museum facilities, development of new  
36 parking facilities, and acquisition of land within or adjacent to  
37 Exposition Park.

38 (e) (1) The Legislature hereby finds and declares that there is  
39 a need for development of additional park, recreation, museum,  
40 and parking facilities in Exposition Park. The Legislature

1 recognizes that the provision of these needed improvements as  
2 identified in the California Science Center Exposition Park Master  
3 Plan may require the use of funds provided by other governmental  
4 agencies or private donors.

5 The

6 (2) *The* California Science Center may accept funds from other  
7 governmental agencies or private contributions for the purpose of  
8 implementation of the California Science Center Exposition Park  
9 Master Plan. The private contributions and funds from  
10 governmental agencies other than state governmental agencies  
11 shall be deposited in the Exposition Park Improvement Fund in  
12 the State Treasury and shall be available for expenditure without  
13 regard to fiscal years by the California Science Center for  
14 implementation of the California Science Center Exposition Park  
15 Master Plan. Funds from other state governmental agencies shall  
16 be deposited in the Exposition Park Improvement Fund and shall  
17 be available for expenditure, upon appropriation, by the California  
18 Science Center for implementation of the California Science Center  
19 Exposition Park Master Plan. However, any expenditure is not  
20 authorized sooner than 30 days after notification in writing of the  
21 necessity therefor to the chairperson of the committee in each  
22 house that considers appropriations and the Chairperson of the  
23 Joint Legislative Budget Committee, or not sooner than whatever  
24 lesser time as the chairperson of the joint committee, or his or her  
25 designee, may in each instance determine. Neither the City of Los  
26 Angeles nor the County of Los Angeles shall impose any tax upon  
27 tickets purchased authorizing the use of parking facilities owned  
28 by the California Science Center.

29 *SEC. 7. Section 4108 of the Food and Agricultural Code is*  
30 *amended to read:*

31 4108. The California Science Center shall establish the position  
32 of Exposition Park Manager to be filled by a person appointed by  
33 the Governor for the purpose of managing, scheduling, and  
34 administering all park-related events, including, *but not limited*  
35 *to*, oversight for the police and security services of the park.

36 (a) The Exposition Park Manager may appoint the following  
37 persons:

38 (1) The chief and assistant chief of museum security and safety  
39 who shall have the powers of peace officers as specified in Section  
40 830.3 of the Penal Code.



1 (2) Other safety officers who shall have the powers of arrest as  
2 specified in Section 830.7 of the Penal Code.

3 (b) The officers appointed pursuant to subdivision (a) shall  
4 provide police and security services to keep order and to preserve  
5 the peace and safety of persons and property at the California  
6 Science Center and at Exposition Park on a year-round basis.

7 *SEC. 8. Section 12805 of the Government Code is amended to*  
8 *read:*

9 12805. (a) The Resources Agency is hereby renamed the  
10 Natural Resources Agency. The Natural Resources Agency consists  
11 of the departments of Forestry and Fire Protection, Conservation,  
12 Fish and Game, ~~Boating and Waterways~~, Parks and Recreation,  
13 ~~Resources Recycling and Recovery~~, and Water Resources; the  
14 State Lands Commission; the Colorado River Board; the San  
15 Francisco Bay Conservation and Development Commission; the  
16 Central Valley Flood Protection Board; the Energy Resources  
17 Conservation and Development Commission; the Wildlife  
18 Conservation Board; the Delta Protection Commission; *the*  
19 *California Science Center*; the Native American Heritage  
20 Commission; the California Conservation Corps; the California  
21 Coastal Commission; the State Coastal Conservancy; the California  
22 Tahoe Conservancy; the Santa Monica Mountains Conservancy;  
23 the Coachella Valley Mountains Conservancy; the San Joaquin  
24 River Conservancy; the San Gabriel and Lower Los Angeles Rivers  
25 and Mountains Conservancy; the Baldwin Hills Conservancy; the  
26 San Diego River Conservancy; and the Sierra Nevada Conservancy.

27 (b) ~~No existing~~ Existing supplies, forms, insignias, signs, or  
28 logos shall *not* be destroyed or changed as a result of changing the  
29 name of the Resources Agency to the Natural Resources Agency,  
30 and those materials shall continue to be used until exhausted or  
31 unserviceable.

32 *SEC. 9. Notwithstanding Section 12080.8 of the Government*  
33 *Code, or any other law, the following provisions shall prevail*  
34 *regardless of the dates on which this act and the Governor's*  
35 *Reorganization Plan No. 2 of 2012 take effect:*

36 (a) *The amendments to Section 4101 of the Food and*  
37 *Agricultural Code as set forth in Section 1 of this act shall prevail*  
38 *over the amendments set forth in Section 71 of the Governor's*  
39 *Reorganization Plan No. 2 of 2012.*

1     (b) The amendments to Section 4101.3 of the Food and  
2     Agricultural Code as set forth in Section 2 of this act shall prevail  
3     over the amendments set forth in Section 72 of the Governor's  
4     Reorganization Plan No. 2 of 2012.

5     (c) The amendments to Section 4102 of the Food and  
6     Agricultural Code as set forth in Section 3 of this act shall prevail  
7     over the amendments set forth in Section 74 of the Governor's  
8     Reorganization Plan No. 2 of 2012.

9     (d) The amendments to Section 4104 of the Food and  
10    Agricultural Code as set forth in Section 4 of this act shall prevail  
11    over the amendments set forth in Section 75 of the Governor's  
12    Reorganization Plan No. 2 of 2012.

13    (e) The amendments to Section 4105 of the Food and  
14    Agricultural Code as set forth in Section 5 of this act shall prevail  
15    over the amendments set forth in Section 76 of the Governor's  
16    Reorganization Plan No. 2 of 2012.

17    (f) The amendments to Section 4106 of the Food and  
18    Agricultural Code as set forth in Section 6 of this act shall prevail  
19    over the amendments set forth in Section 77 of the Governor's  
20    Reorganization Plan No. 2 of 2012.

21    (g) The amendments to Section 4108 of the Food and  
22    Agricultural Code as set forth in Section 7 of this act shall prevail  
23    over the amendments set forth in Section 78 of the Governor's  
24    Reorganization Plan No. 2 of 2012.

25    (h) The amendments to Section 12805 of the Government Code  
26    as set forth in Section 8 of this act shall prevail over the  
27    amendments set forth in Section 205 of the Governor's  
28    Reorganization Plan No. 2 of 2012.

29    SEC. 10. (a) Sections 1 to 8, inclusive, of this act shall become  
30    operative only if the Governor's Reorganization Plan No. 2 of  
31    2012 becomes effective.

32    (b) Except as otherwise provided in subdivision (a), Sections 1  
33    to 8, inclusive, of this act shall become operative on July 1, 2013.

34    ~~SECTION 1. Chapter 20 (commencing with Section 42970)~~  
35    ~~of Part 3 of Division 30 of the Public Resources Code is hereby~~  
36    ~~reenacted and shall continue to be operative on and after November~~  
37    ~~3, 2011.~~

38    ~~SEC. 2. This act is an urgency statute necessary for the~~  
39    ~~immediate preservation of the public peace, health, or safety within~~

1 ~~the meaning of Article IV of the Constitution and shall go into~~  
2 ~~immediate effect. The facts constituting the necessity are:~~  
3 ~~To ensure the continued operation of the carpet stewardship~~  
4 ~~program for the preservation of public health and the environment,~~  
5 ~~it is necessary for this measure to take effect immediately.~~

O